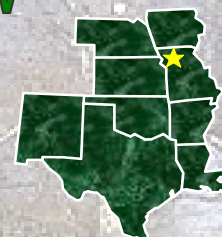


Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ DECEMBER 1999 ★

★ REGIONS VI & VII ★

*Environmental Legislative Actions, Proposed Rules, Final Rules, Emergency Rules, and Judicial Decisions
for the States in Federal Regions VI and VII.*

GENERAL INFORMATION

Army Announces New Historic Preservation Awards. The Army manages one of the Nation's largest portfolios of historic properties, including twelve National Historic Landmarks and approximately 12,000 Army properties that are listed on or eligible for the National Register of Historic Places. During the next 30 years, more than 70,000 other buildings on Army posts will reach 50 years of age and will be evaluated for compliance with the National Historic Preservation Act. Mr. Mahlon Apgar, Assistant Secretary of the Army for Installations and Environment, recently announced a new awards program for historic preservation. "The Secretary of the Army Awards for Historic Preservation" are an initiative of the Army's new Office of Historic Properties. The awards are designed to recognize excellence in all aspects of managing historic buildings and districts located on active Army posts in the United States. Award activities and innovations may be performed solely by Army organizations or jointly between the Army and other public and private sector entities. The Historic Preservation awards include the following categories:

- **Historic Districts** – Will be presented to U.S. Army Garrisons for excellence in restoration and rehabilitation of historic districts and historic building complexes. These projects will include exterior and interior restoration features, adaptive reuse, landscape redesign, and maintenance of open spaces in the district or building complex.
- **Historic Buildings** – Will be presented to Army Garrisons and other commands at any level for excellence in rehabilitation of specific historic buildings. The main considerations are exterior and interior restoration and imaginative, economical conversions to accommodate current needs.
- **Innovations** – These awards will go to individuals and small teams who have found ways to reduce the Army's cost or improved techniques for adapting historic buildings for contemporary uses.
- **Partnerships** – Will be presented jointly to Army installations and partner organizations outside the Army for excellence in establishing and sustaining joint programs.

For more information, contact Army Public Affairs at (703) 697-7592.

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ASSISTANCE/GUIDANCE INFORMATION

Military Munitions Rule (MR2) Training Disk. The U.S. Army Defense Ammunition Center (DAC) plans to distribute the MR2 computer-based training (CBT) directly to Army units via CD-ROM in January 2000. This course is intended for personnel involved with waste military munitions (WMM). All personnel involved in leading, supervising, managing, planning, or conducting any ammunition operation should take this training to learn when military munitions may become waste and methods to conduct WMM operations that are consistent throughout DoD. It is recommended that personnel have basic knowledge in the fundamental technical aspects of ammunition and explosives and explosives safety requirements for ammunition operations at U.S. Army installations. DAC is providing Unit Training Coordinators and others the opportunity to register now on the DAC web site at <http://www.dac.army.mil/as> to receive the MR2 CBT. This is the recommended and preferred method of registration. The course description is also available on the web site. Additional information on this process and procedures for those without Internet access will be available at a later date. For further information contact: Gail Ruffin; DAC; (918) 420-8818; DSN 956-8818; fax 956-8788; e-mail: ruffin@dac-emh2.army.mil.

Hot Gas Decontamination Video. A limited number of videos highlighting the demonstration of hot gas decontamination of explosives-contaminated material are available. The U.S. Army Environmental Center sponsored demonstrations that showed that 99.9999 percent decontamination of structural components is possible using heated gas to thermally decompose or volatilize explosives or chemical agents, with destruction of off-gases in a thermal oxidizer. The hot-gas process was effective for treatment of items contaminated with explosives. Hot-gas offers an alternative to other decontamination methods for explosives-contaminated materials (pressure washing, steam cleaning, open burning, or incineration). Through the use of hot-gas decontamination, process equipment is not damaged and can be reused or sold. For a copy of the video or for more information, contact the technology transfer hotline at t2hotline@aec.apgea.army.mil.

U.S. EPA Operating Permits Program Web Site. U.S. EPA is now offering a web site that provides information on the air permitting process, including Title V permitting and new source review. The site includes a database of U.S. EPA guidance on Title V permitting. The database can be searched online or downloaded in its entirety. The site will eventually allow online viewing of permits, engineering reports, and correspondence from regional, state, and local air agencies. The web site is available at <http://www.epa.gov/oar/oaqps/permjimp.html>.

Updated List of At Risk Species Published. The U.S. Fish and Wildlife Service (USFWS) has published a revised Candidate Notice of Review naming 258 species of plants and animals that may warrant protection under the Endangered Species Act (ESA). The Notice also identifies the 56 domestic animal and plant species that are now proposed for addition to the lists of endangered and threatened wildlife and plants. The Candidate Notice of Review is published primarily to solicit new information on the status of candidate species and threats to their survival. The Notice was last updated in September 1997. The complete Notice and list of candidates and proposed species are published in the Federal Register and can be accessed from the USFWS web site at <http://endangered.fws.gov>.

Waste Incineration and Public Health Report. According to a 13 October 1999 National Research Council (NRC) report, current standards for waste incineration facilities do not consider effects on a regional scale, meaning that hazardous pollutants can collectively contribute to greater health concerns than previously thought. NRC released the report, *Waste Incineration and Public Health*, in response to a request by three federal agencies to assess the relationship between waste incineration and human health. NRC is part of the National Academies of Science, Engineering, and Medicine. The study was funded by the U.S. Department of Energy, U.S. EPA, and the Agency for Toxic Substances and Disease Registry. Copies of *Waste Incineration and Public Health* are available from the National Academy Press at (202) 334-3313 or (800) 624-6242.

TRAINING INFORMATION

U.S. EPA Region VI -- Environmental Response Training Program (ERTP). U.S. EPA Region VI will be offering the following upcoming environmental response training courses:

- | | |
|--|---------------------------|
| • Sampling for Hazardous Materials | 4-6 January 2000 |
| • Hazardous Materials Incident Response Operations | 24-28 January 2000 |
| • Chemical Accident Prevention Auditing | 1-3 February 2000 |
| • Radiation Safety at Superfund Sites | 6-10 March 2000 |
| • Emergency Response to Hazardous Material Incidents | 13-17 March 2000 |

- Hazardous Materials Incident Response Operations **17-21 April 2000**
- Sampling for Hazardous Materials **16-18 May 2000**

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org>. To register for a class or for more information on courses offered by U.S. EPA Region VI, contact: Keith Reddick; U.S. EPA Region VI; (214) 665-8338; fax (214) 665-7447; e-mail: rednick.Keith@epamail.epa.gov.

U.S. EPA Region VII -- ERT. U.S. EPA Region VII will be offering the following upcoming environmental response training courses:

- Air Monitoring for Hazardous Materials **10-14 January 2000**
- Introductory Preliminary Assessment Training **8-9 February 2000**
- Introductory Site Inspection Training **10-11 February 2000**
- Risk Assessment Guidance for Superfund **15-18 February 2000**
- Environmental Remediation Technologies **29 February-2 March 2000**
- Sampling for Hazardous Materials **28-30 March 2000**
- Chemistry for Environmental Professionals **11-14 April 2000**
- Hazardous Materials Incident Response Operations **1-5 May 2000**
- Emergency Response to Hazardous Material Incidents **8-12 May 2000**

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org>. To get a list of all training opportunities currently available through U.S. EPA Region VII, or for more information on classes, contact: Evelyn VanGoethem; U.S. EPA Region VII; (913) 551-7659; fax (913) 551-7145; e-mail: vangoethem.evelyn@epa.gov. To register for a class contact: Training Registrar; (513) 251-7776 or (513) 251-7669; fax (513) 251-4137; e-mail: embryk@ttnus.com.

Risk Communication Workshops. The U.S. Army Center for Health Promotion and Preventive Medicine's (CHPPM) Risk Communication program will be conducting the following risk communication workshops:

Introductory Classes:

11-13 January 2000	Washington, DC
29 February-2 March 2000	San Antonio, Texas
2-4 May 2000	Baltimore, Maryland
6-8 June 2000	Seattle, Washington
22-24 August 2000	Baltimore, Maryland

Advanced Classes:

7-10 February 2000	Seattle, Washington
10-13 April 2000	San Antonio, Texas
17-20 July 2000	Baltimore, Maryland

Additional information is available on the Internet at <http://chppm-www.apgea.army.mil/hracp/pages/index.html>. For further information or a workshop application, contact: Laura Hoover; CHPPM; (410) 436-7715.

CONFERENCES and SEMINARS

MAY 2000

2000 Real World Air Conference. The U.S. Army Forces Command (FORSCOM) and CHPPM are partnering to conduct the second Real World Air Conference **on 15-18 May 2000** at the Sheraton Atlanta Hotel in Atlanta, Georgia. The conference is intended to address current air pollution issues affecting federal facilities. Potential technical session topics include pollution prevention, particulate matter (both PM10 and PM2.5), National Emission Standards for Hazardous Air Pollutants (NESHAPs), regional pollutant transport, ozone depleting chemicals, sampling methods, open burning/open detonation, the Emergency Planning and Community Right-to-Know Act (EPCRA), air pollution health issues, legal issues, ISO 14000, and GIS applications. Conference information and online registration are available on the Internet at <http://chppm-www.apgea.army.mil/air/airconf/confhome.htm>. For further information contact: Ilani Donley, Conference Coordinator; (410) 436-81138; e-mail: ilani.donley@apg.amedd.army.mil; Rochelle Williams; FORSCOM; (404) 464-7695; e-mail:

FEDERAL ACTIONS

REGULATORY ACTIVITY – U.S. ENVIRONMENTAL PROTECTION AGENCY

U.S. EPA Alert: Risk Management Planning (RMP); Propane and Flammable Fuels. On 18 November 1999, U.S. EPA issued the following Alert regarding RMP requirements for propane and flammable fuels:

"In December, EPA expects to issue a regulation for reporting flammable fuels under Section 112(r) of the Clean Air Act (CAA) to codify a recently enacted law. Additionally, EPA and the National Propane Gas Association expect to file a joint motion on December 8 to dismiss a lawsuit that stayed RMP reporting for ALL propane, regardless of how it was used or distributed. The court is expected to lift the stay within 10 days of receipt of the motion to dismiss. The judicial stay applied only to propane facilities (regardless of type).

The recently enacted Chemical Safety Information, Site Security and Fuels Regulatory Relief Act established new provisions for ALL flammable fuels. Under the law, as of August 5, 1999, flammable substances used as fuel at any type of facility OR held for sale as fuel at a retail facility no longer are covered by the CAA Risk Management Program. However, flammable fuels used as a feedstock to produce something else or held for sale as fuel at a non-retail facility, such as a wholesale operation, terminal, or manufacturing site, still are covered.

This information, as well as a series of related frequently asked questions, has been posted at <http://www.epa.gov/ceppo/whatnew.html>.

U.S. EPA Final Rule: Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States' Compliance—Revision of Polychlorinated Biphenyls (PCBs) Criteria (64 FR 61181). The Clean Water Act (CWA) requires states to adopt numeric criteria for priority toxic pollutants for which U.S. EPA has published criteria guidance if the discharge or presence of such pollutants could reasonably be expected to interfere with the designated uses of the state's waters. In 1992, U.S. EPA promulgated the National Toxics Rule (NTR) establishing numeric water quality criteria for toxic pollutants in fourteen states and jurisdictions to protect human health and aquatic life. These states and jurisdictions had not adopted sufficient chemical-specific, numeric criteria for toxic pollutants necessary to comply with the CWA. Among the criteria promulgated in the NTR were human health and aquatic life water quality criteria for PCBs. In this final rule, U.S. EPA is issuing revisions to the human health water quality criteria for PCBs in the NTR. The revised criteria will apply in Alaska, District of Columbia, **Kansas**, Michigan, Nevada, New Jersey, Rhode Island, Vermont, and Washington. This rule is effective 9 December 1999. *For further information contact: Cindy Roberts; U.S. EPA, Office of Water; (202) 260-2787.*

U.S. EPA Final Rule; Technical Correction: NESHAPs for Hazardous Waste Combustors (64 FR 63209). On 19 June 1998, U.S. EPA published the Revised Standards for Hazardous Waste Combustors Final Rule and on 30 September 1999 published the Hazardous Waste Combustors NESHAP Final Rule. In this action, U.S. EPA is clarifying its intention associated with the Notification of Intent to Comply and Progress Report requirements of the 1998 rule. Additionally, it is correcting a typographical error in the comparable fuels specification table and an omission pertaining to residue testing requirements in the 1999 final rule. This rule was effective 19 November 1999. *For further information contact: David Hockey (notification requirements) or Larry Gonzalez (residue requirements); U.S. EPA, Office of Solid Waste; (703) 308-8846 and (703) 308-8468, respectively; e-mail: hockey.david@epa.gov or gonzalez.larry@epa.gov.*

U.S. EPA Proposed Rule: Rescinding Findings That the 1-Hour Ozone Standard No Longer Applies in Certain Areas (64 FR 57424/60477). U.S. EPA is proposing to rescind its prior findings that the 1-hour ozone national ambient air quality standard (NAAQS) and its accompanying designations and classifications no longer apply in certain areas. U.S. EPA had previously taken final action regarding the applicability of the 1-hour standard for various areas on 5 June 1998, 22 July 1998, and 9 June 1999. A recent ruling of the U.S. Court of Appeals for the District of Columbia Circuit has undermined the basis for U.S. EPA's previous determinations on applicability of the 1-hour ozone standard. In the ruling, the court remanded the 8-hour NAAQS for ozone and curtailed U.S. EPA's authority to enforce it. The effectiveness of the 8-hour standard served as the underlying basis for U.S. EPA's regulations governing these applicability determinations and thus for U.S. EPA's finding that the 1-hour standard no longer applied in areas that U.S. EPA determined were attaining the 1-hour standard. U.S. EPA is also proposing to reinstate the designations and classifications that previously applied in such areas with respect to the 1-hour standard. Furthermore, U.S. EPA is proposing to amend 40 CFR 50.9(b) to provide by rule that the 1-hour ozone

standard will continue to apply to all areas notwithstanding promulgation of the 8-hour standard. *For further information contact: Annie Nikbakht (policy) or Barry Gilbert (air quality data); U.S. EPA, Office of Air Quality Planning and Standards; (919) 541-5246 or (919) 541-5238; e-mail: nikbakht.annie@epamail.epa.gov or gilbert.barry@epamail.epa.gov. (Editor's Note: The preamble to the proposed rule was published in the Federal Register on 25 October 1999 at 64 FR 57424. The text of the proposed rule was published on 5 November 1999 at 64 FR 60477.)*

U.S. EPA Proposed Rule; Extension of Comment Period: Proposed Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System (NPDES) Program and Federal Antidegradation Policy in Support of Proposed Revisions to the Water Quality Planning and Management Regulation (64 FR 57834). On 23 August 1999, U.S. EPA issued two proposed rules to revise, clarify and strengthen the current regulatory requirements for identifying impaired waters and establishing Total Maximum Daily Loads (TMDLs) under the CWA: revisions to the Water Quality Planning and Management Regulation (64 FR 46012); and revisions to the NPDES Program and Federal Antidegradation Policy (64 FR 46058) in support of the revisions at 64 FR 46012. These proposed regulatory revisions address issues of fundamental importance to cleaning up our Nation's polluted waters. U.S. EPA sought comment on both sets of proposed rules by 22 October 1999. In response to comments from the public requesting additional time to fully analyze the issues and prepare comprehensive comments, U.S. EPA extended the original comment period to 22 December 1999 (64 FR 53304, 1 October 1999). Now, in response to Congressional direction in U.S. EPA's appropriations bill, U.S. EPA is extending the comment period to **20 January 2000**. *For further information contact: Hazel Groman (TMDL rule); U.S. EPA, Office of Wetlands, Oceans and Watersheds; (202) 401-4078; Kim Kramer (NPDES provisions); U.S. EPA, Office of Wastewater Management; (202) 260-9541; e-mail: kramer.kim@epa.gov; or Susan Gilbertson (water quality standards); U.S. EPA, Office of Science and Technology; (202) 260-7301; e-mail: gilbertson.sue@epa.gov.*

U.S. EPA Proposed Rule: Lead and Lead Compounds; Lowering of Reporting Thresholds; Community Right-to-Know Toxic Chemical Release Reporting; Public Meetings (64 FR 61807). U.S. EPA is holding public meetings to obtain comment on issues relating to the Agency's 3 August 1999 proposed rule to lower the reporting thresholds for lead and lead compounds, which are subject to reporting under Section 313 of EPCRA and Section 6607 of the Pollution Prevention Act (PPA). Currently, the EPCRA Section 313 reporting thresholds for lead and lead compounds are 25,000 pounds manufactured or processed, or 10,000 pounds otherwise used. The 3 August 1999 proposed action would lower the threshold for each category to 10 pounds. U.S. EPA expects that the proposed action will significantly increase the number of reports submitted for lead and lead compounds, as well as result in a number of Toxic Release Inventory (TRI) facilities filing reports for the first time under EPCRA Section 313 and Section 6607 of the PPA. The first meeting was held on 30 November 1999 in Los Angeles, California, and the second meeting was 2 December 1999 in Chicago, Illinois. The third public meeting will take place in Washington, DC, on 14 December 1999. *For further information contact: Daniel Bushman; U.S. EPA; (202) 260-3882; e-mail: bushman.daniel@epa.gov.*

U.S. EPA Proposed Rule: Hazardous Waste Identification Rule (HWIR); Identification and Listing of Hazardous Wastes (64 FR 63381). U.S. EPA is proposing to retain and amend the mixture rule and the derived-from rule in the Resource Conservation and Recovery Act (RCRA). The mixture and derived-from rules ensure that hazardous wastes that are mixed with other wastes or that result from the treatment, storage or disposal of hazardous wastes do not escape regulation. U.S. EPA is proposing two revisions to the mixture and derived-from rules. The first is an exemption for mixtures and/or derivatives of wastes listed solely for the ignitability, corrosivity, and/or reactivity characteristics. The second is a conditional exemption from the mixture and derived-from rules for "mixed wastes" (that is, wastes that are both hazardous and radioactive). This proposed rule also discusses an implementation framework for an exemption from hazardous waste management for wastes that meet chemical-specific exemption levels, also known as the HWIR exemption. The HWIR exemption would identify a broad set of listed hazardous waste that could be safely managed in nonhazardous waste management units. In addition, this proposed rule discusses the possibility of revising the Land Disposal Restrictions by replacing technology-based treatment standards in the RCRA regulations with risk-based treatment standards. Comments must be received on or before 17 February 2000. *For further information contact: Adam Klinger or Tracy Atagi; U.S. EPA; (703) 308-3267 or (703) 308-8672, respectively.*

U.S. EPA Proposed Rule: Storage, Treatment, Transportation and Disposal of Mixed Waste (64 FR 63463). U.S. EPA is proposing to provide increased flexibility to facilities that manage low-level mixed waste (LLMW) and naturally occurring and/or accelerator-produced radioactive material (NARM) mixed with hazardous waste. The proposal also aims to reduce dual regulation of LLMW, which is subject to RCRA and to the Atomic

Energy Act. U.S. EPA is proposing to allow on-site storage and treatment of these wastes at the generator's site. U.S. EPA is also seeking to exempt LLMW and hazardous NARM waste from RCRA manifest, transportation, and disposal requirements when certain conditions are met. Under this conditional exemption, generators and treaters must still comply with manifest, transport, and disposal requirements under the Nuclear Regulatory Commission regulations for LLMW or NARM. Comments must be received on or before 17 February 2000. *For further information contact: Grace Ordaz (disposal), or Nancy Hunt or Chris Rhyne (storage); U.S. EPA, Office of Solid Waste; (703) 308-1130, (703) 308-8762, or (703) 308-8658, respectively.*

U.S. EPA Notice: Air Quality Criteria for Particulate Matter (PM); External Review Draft (64 FR 57884). The U.S. EPA, National Center for Environmental Assessment (NCEA), is announcing the availability of an external review draft of the document, *Air Quality Criteria for Particulate Matter*. The purpose of this document is to provide an assessment of the latest scientific information on the effects of airborne PM on the public health and welfare for use in the next periodic review of the NAAQS for PM. Anyone who wishes to comment on the draft document must submit comments in writing no later than 14 January 2000. Internet users may download a copy from U.S. EPA's NCEA Internet homepage at <http://www.epa.gov/ncea>. *For further information contact: Dr. Dennis Kotchmar; U.S. EPA, NCEA; (919) 541-4158; fax (919) 541-1818; e-mail: kotchmar.dennis@epa.gov.*

U.S. EPA Notice: National Primary Drinking Water Regulations; Radon-222; Proposed Rule (64 FR 59245). U.S. EPA is proposing a multimedia approach to reducing radon risks in indoor air (where the problem is greatest), while protecting public health from the highest levels of radon in drinking water. The Agency is proposing a Maximum Contaminant Level Goal and National Primary Drinking Water Regulations for radon-222 in public water supplies. U.S. EPA is also proposing an alternative maximum contaminant level and requirements for multimedia mitigation programs to address radon in indoor air. This proposed rule applies to community water systems, a subset of public water systems. The proposal also includes monitoring, reporting, public notification, and consumer confidence report requirements for radon-222 in drinking water. U.S. EPA must receive comments on the proposed regulations by 3 January 2000. *For further information contact: Sylvia Malm, U.S. EPA, Office of Ground Water and Drinking Water; (202) 260-0417. (Editor's Note: Potentially regulated entities include community water systems using ground water or mixed ground and surface water.)*

REGULATORY ACTIVITY – NATIONAL MARINE FISHERIES SERVICE (NMFS)

USFWS Final Rule: Endangered and Threatened Wildlife and Plants; Definition of "Harm" (64 FR 60727). This final rule defines the term "harm," which is contained in the definition of "take" in the ESA. The purpose of this rulemaking is to clarify the type of actions that may result in a take of a listed species under the ESA. This final rule is not a change in existing law. It provides clear notification to the public that habitat modification or degradation may harm listed species and, therefore, constitutes a take under the ESA as well as ensuring consistency between the NMFS and the USFWS. This final rule defines the term "harm" to include any act that actually kills or injures fish or wildlife, and emphasizes that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife. This rule is effective 8 December 1999. *For further information contact: Chris Mobley; NMFS; (301) 713-1401; or Garth Griffin; NMFS; (503) 231-2005.*

KEY ENVIRONMENTAL COMPLIANCE DATES

13 Dec	Deadline for owners and operators of external floating roof benzene storage vessels equipped with a liquid-mounted primary seal and without a secondary seal to measure the gaps between the vessel wall and the primary seal.	CAA: 40 CFR 61.272(b)(1)(ii)	N/A
15 Dec	Deadline for vinyl chloride sources to submit a report to U.S. EPA on vinyl chloride emission activity specified under 40 CFR 61.70.	CAA: 40 CFR 61.70(a)(1)-(2)	N/A
31 Dec	Deadline for generators or treaters of non-wastewater residues generated from the high temperature metals recovery processing of K061, K062, or F006 waste, as described under 40 CFR 261.3(c)(2)(ii)(C)(1), that experienced a change in the process or operation generating the waste or in the Subtitle D facility receiving the waste during 1999 to notify the applicable regulatory authority of the change.	RCRA: 40 CFR 261.3(c)(2)(ii)(C)(2)	57 FR 37210; 8/18/92

31 Dec	Deadline for generators or treaters of non-hazardous characteristic waste, as described under 40 CFR 268.9(d), that experienced a change in the process or operation generating the waste or in the Subtitle D facility receiving the waste during 1999 to notify the applicable regulatory authority of the change.	RCRA: 40 CFR 268.9(d)	57 FR 37210; 8/18/92 as amended by 59 FR 48045; 9/19/94
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REGION VI STATE ACTIVITY

ARKANSAS

Legislative/Regulatory Activity

FEDERAL ACTIONS

DoD/Department of the Army Notice: Availability of the Final Environmental Impact Statement (FEIS) for the Disposal and Reuse of Fort Chaffee, Arkansas (64 FR 60429). The Army has prepared an FEIS for the Disposal and Reuse of Fort Chaffee, Arkansas. It is DoD policy to dispose of property no longer needed by DoD. Consequently, as a result of the mandated closure of Fort Chaffee, the Army is disposing of excess property at Fort Chaffee. The FEIS analyzes three disposal alternatives: (1) The no action alternative, which entails maintaining the property in caretaker status after closure; (2) the encumbered disposal alternative, which entails transferring the property to future owners with Army-imposed limitations, or encumbrances, on the future use of the property; and (3) the unencumbered disposal alternative, which entails transferring the property to future owners with fewer or no Army-imposed restrictions on the future use of the property. The preferred action identified in this FEIS is encumbered disposal of excess property at Fort Chaffee. The review period will end 6 December 1999. *For further information contact: Jim Ellis; U.S. Army Corps of Engineers, Little Rock District; (501) 324-5033; fax (501) 324-5605.*

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2001.)

STATE PROPOSED RULES

Wastewater Operator Licensing. Proposed rule of the Arkansas Pollution Control and Ecology Commission (APCEC) would amend Regulation No. 3 regarding the wastewater operator licensing program. The proposal would clarify and add definitions and revise the criteria for classification of treatment plants. The proposal also would revise the fee structure for operator licenses, address the composition of the Wastewater Licensing Committee, and describe requirements for an apprentice license and reciprocity. In addition, the proposal would revise standards for special operators, license examinations, and actions involving revocation or suspension of licenses. A hearing is scheduled for 2 December 1999 in Little Rock. Comments are due 16 December 1999. *For further information contact: Doug Szenher; Arkansas Department of Environmental Quality (ADEQ); (501) 682-0915.*

Hazardous Waste Management. Proposed rule of the APCEC would amend Regulation No. 23 governing hazardous waste management to incorporate by reference changes to federal standards under 40 CFR 124 through 279 (nonconsecutive) promulgated 11 February 1999 through 6 July 1999. The proposal would revise land disposal restrictions and treatment standards for specific waste streams; guidelines for the analysis of oil, grease, and nonpolar substances; and provisions for including spent electric lamps in the universal waste management program. The proposal also would define "solid waste management unit," "completed fiscal year," "total liability," and "hazardous waste." In addition, the proposal would revise annual reporting of hazardous waste generation, clarify that both commercial and noncommercial hazardous waste management facility operators are responsible for specific training for waste handlers, delete three sites from the state's remedial action trust fund priority list, and add four sites to the priority list for investigation and remediation. A hearing is scheduled for 15 December 1999 in Little Rock. Comments are due 3 January 2000. *For further information contact: Tom Ezell; ADEQ, Hazardous Waste Division; (501) 682-0876.*

STATE NOTICES

Water Quality Management Plan. Notice of the ADEQ announces proposed revisions to the state water quality management plan (208 plan) to add five facilities with wastewater discharges. Comments are due 7 December 1999. *For further information contact: Doug Szenher; ADEQ; (501) 562-7444.*

(NOTE: General information regarding the ADEQ and its various programs, including access to draft and final regulations, is available on the Department's web site at <http://www.adeg.state.ar.us>.)

LOUISIANA

Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Next regular session begins in April 2000.)

STATE FINAL RULES

Federal Standards (25 LAR 1796-8). Final rule of the Louisiana Department of Environmental Quality (LDEQ), Office of Environmental Assessment (OEA), amends regulations under 33 LAC III.3003, .5116, and .5122 regarding air quality. The rule updates incorporations by reference to federal standards under 40 CFR 60, 61, and 63 regarding New Source Performance Standards, NESHAPs, and national standards for hazardous air pollutants for major source categories issued 12 February 1999. The rule also clarifies the date of the revised standards incorporated by reference in 33 LAC 30 and 51. The rule was effective 20 October 1999. *For further information contact: Patsy Deaville; LDEQ, Investigations and Regulation Development Division (IRDD); (225) 765-0399.*

Storage Tank Inspection (25 LAR 1803-4). Final rule of the LDEQ, Hazardous Waste Division, amends regulations under 33 LAC V.1909 regarding waste storage tanks. The rule clarifies the 90-day tank rule to reduce the risk of accidental releases from tanks opened for inspection. The rule also revises provisions for greater consistence with U.S. EPA standards and the regulations of neighboring states. The rule was effective 20 October 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

Fees (25 LAR 1873-5). Final rule of the Louisiana Department of Natural Resources (LDNR), Office of Conservation, amends regulations under 43 LAC XIX.701, .703, .705, and .707 regarding Statewide Order No. 29-R-99/00 to revise oil and gas fees. The rule eliminates the annual inspection fee; revises the fee schedule for fiscal year 1999-2000, penalties for failure to comply, and definitions; and updates the severability statement and effective date. The rule was effective 20 October 1999. *For further information contact: Philip Asprodites; LDNR, Office of Conservation; (225) 342-5015.*

STATE PROPOSED RULES

Chemical Accident Prevention (25 LAR 2044-5). Proposed rule of the LDEQ, OEA, would amend regulations under 33 LAC III.5901 regarding chemical accident prevention. The proposal would incorporate by reference federal regulations under 40 CFR 68.130 that exempt from the chemical accident prevention program storers of liquefied petroleum gas whose facilities are permitted through or inspected by the state Liquefied Petroleum Gas Commission. *For further information contact: Patsy Deaville; LDEQ, Regulation Development Section (RDS); (225) 765-0399.*

STATE NOTICES

Regulatory Agenda (25 LAR 2126). Notice of the LDEQ announces the availability of the 15 October 1999 edition of the department's semiannual regulatory agenda. The agenda provides information on rules that have been proposed, but not adopted or rules that are scheduled to be proposed in 1999. *For further information contact: LDEQ, RDS; (225) 765-0399.*

(NOTE: Current regulatory information from the LDEQ, including notices of intent, emergency rules, and final rules, can be found on LDEQ's web site at <http://www.deq.state.la.us>. Click on "Rules and Regulations" and "Additions to the Louisiana Register.")

NEW MEXICO

Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2000.)

STATE REGULATORY ACTIVITY (No significant activity for this period.)

(NOTE: General information regarding the New Mexico Environment Department (NMED) and its various programs, including regulations and permitting, is available on NMED's web site at <http://www.nmenv.state.nm.us/frhome.html>.)

OKLAHOMA

Legislative/Regulatory Activity

FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of Implementation Plans; Oklahoma; Recodification of Regulations (64 FR 59629/59703). U.S. EPA is taking direct final action approving into the Oklahoma State Implementation Plan (SIP) subchapters of the Oklahoma Department of Environmental Quality (ODEQ) Air Pollution Control Rules adopted by the State Legislature on 30 March 1994. These rules replace most of the existing ODEQ regulations in the Oklahoma SIP. U.S. EPA is taking no action on subchapters of the submittal that are either not equivalent to, or are not in, the current Oklahoma SIP-approved regulations. Approval of this action will make the numbering format and administrative terms of the subchapters being approved consistent with that of the current ODEQ air quality control regulations. The changes are administrative in nature and do not substantively revise the current SIP. This rule is effective 3 January 2000, without further notice, unless U.S. EPA receives adverse comment by 3 December 1999. *For further information contact: Bill Deese; U.S. EPA Region VI, Air Planning Section; (214) 665-7253.*

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of Implementation Plans; Oklahoma; Visibility Protection (64 FR 60683). U.S. EPA is taking direct final action approving a revision to the Oklahoma State SIP involving the Oklahoma Visibility Protection Plan for the Federal Class I area. This action approves the general plan revisions and the long-term strategy and removes the disapproval of the Oklahoma SIP and resultant Federal Implementation Plan (FIP) for failure to meet the Federal requirements. This action does not apply to areas of "Indian Country" over which the State of Oklahoma has not demonstrated authority. This rule is effective 7 January 2000, without further notice, unless U.S. EPA receives adverse comment by 8 December 1999. *For further information contact: Bill Deese; U.S. EPA Region VI, Air Planning Section; (214) 665-7253.*

STATE LEGISLATIVE ACTIVITY (Next regular session begins in February 2000.)

STATE PROPOSED RULES

Surface and Ground Waters (17 OKR 12-3). Proposed rule of the Oklahoma Water Resources Board (OWRB) would amend regulations under OAC 785:45 concerning state water quality standards. The proposal would modify provisions regarding definitions, public and private water supplies, fish and wildlife propagation standards, ground water quality standards, beneficial uses for surface waters, and requirements for site-specific criteria for metals. A hearing is scheduled for 16 December 1999 in Oklahoma City. Comments are due 17 December 1999. *For further information contact: Derek Smithee; OWRB, Water Quality Programs Division (WQPD); (405) 530-8800.*

Implementation of Standards (17 OKR 13-4). Proposed rule of the OWRB would amend regulations under OAC 785:46 concerning the implementation of water quality standards. The proposal would modify definitions and address wasteload allocations, fish and wildlife propagation standards, and use support assessment protocols. A hearing is scheduled for 16 December 1999 in Oklahoma City. Comments are due 17 December 1999. *For further information contact: Derek Smithee; OWRB, WQPD; (405) 530-8800.*

STATE NOTICES

Tier I Operator Certification Applications (17 OKR 1). Notice announces the intention of the ODEQ to revoke regulations under OAC 252:2-15-49 to delete provisions regarding Tier I operator certification applications for environmental permit processing times. The proposal, which would eliminate the requirements as part of the re-right/de-wrong process, would not affect the operator certification program or requirements proposed concurrently (17 OKR 2; 11/01/99) under OAC 252:710. A hearing is scheduled for 10 December 1999 in Oklahoma City. *For further information contact: Barbara Rauch; ODEQ; (405) 702-7189.*

(NOTE: General information regarding the ODEQ and its various programs, including access to rules and regulations, is available on ODEQ's web site at <http://www.deq.state.ok.us>.)

FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of Implementation Plans; Texas; Repeal of Board Seal Rule and Revisions to PM Regulations (64 FR 57983/58006). U.S. EPA is taking direct final action approving revisions to the Texas Natural Resource Conservation Commission (TNRCC) regulations in the Texas SIP. These revisions remove the Texas Air Control Board Seal rule from the Texas SIP and revise and recodify regulations for control of PM in the Texas SIP. Removal of the Board Seal rule eliminates a rule that no longer applies to TNRCC. These revisions to the PM regulations update the SIP-approved regulations and make the SIP citations consistent with the current state citations. This rule is effective on 27 December 1999, without further notice, unless U.S. EPA receives adverse comment by 29 November 1999. *For further information contact: Bill Deese; U.S. EPA Region VI, Air Planning Section; (214) 665-7253.*

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of Implementation Plans; Texas; Revisions to Consumer Products Rule (64 FR 61523/61572). U.S. EPA is taking direct final action approving revisions to the consumer products regulations in the Texas SIP. The primary purpose of the revisions is to amend the regulations to exclude a new type of insecticide designated to kill house dust mites from the volatile organic compound (VOC) limitation applicable to other crawling bug insecticides. This rule is effective 11 January 2000, without further notice, unless U.S. EPA receives adverse comment by 13 December 1999. *For further information contact: Bill Deese; U.S. EPA Region VI, Air Planning Section; (214) 665-7253.*

U.S. EPA Final Rule: Persistent Bioaccumulative Toxic (PBT) Chemicals; Lowering of Reporting Thresholds for Certain PBT Chemicals; Addition of Certain PBT Chemicals; Community Right-to-Know Toxic Chemical Reporting (64 FR 58665). U.S. EPA is lowering the reporting thresholds for certain PBT chemicals that are subject to reporting under Section 313 of EPCRA and Section 6607 of the PPA. U.S. EPA is also adding a category of dioxin and dioxin-like compounds to the EPCRA Section 313 list of toxic chemicals and establishing a 0.1 gram reporting threshold for the category. In addition, U.S. EPA is adding certain other PBT chemicals to the EPCRA Section 313 list of toxic chemicals and establishing lower reporting thresholds for these chemicals. U.S. EPA is removing the fume or dust qualifier from vanadium and adding all forms of vanadium with the exception of vanadium when contained in alloys. U.S. EPA is also adding vanadium compounds to the EPCRA Section 313 list of toxic chemicals. However, U.S. EPA is not lowering the reporting thresholds for either vanadium or vanadium compounds. This action also includes modifications to certain reporting exemptions and requirements for those toxic chemicals that are subject to the lower reporting thresholds. This rule shall take effect on 31 December 1999. *For further information contact: Daniel Bushman, Petitions Coordinator; U.S. EPA; (202) 260-3882; e-mail: bushman.daniel@epa.gov.*

U.S. EPA Proposed Conditional Approval: Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology (RACT) for Major Stationary Sources of Nitrogen Oxides (NOx) for the Houston/Galveston and Beaumont/Port Arthur Ozone Nonattainment Areas (64 FR 58011). U.S. EPA is proposing conditional approval of rules into the Texas SIP. These rules require RACT at stationary sources of NOx in the Houston/Galveston and the Beaumont/Port Arthur ozone nonattainment areas. Texas has made nine revisions to the rules since the original submittal on 15 June 1993. In this document, U.S. EPA is proposing conditional approval of Texas' SIP submittals concerning control of NOx emissions dating from 15 June 1993 to 20 May 1998. Comments must be received on or before 29 November 1999. *For further information contact: Alan Shar, P.E.; U.S. EPA Region VI, Air Planning Section; (214) 665-6691.*

U.S. EPA Notice: Asbestos-Containing Materials in Schools; State Request for Waiver from Requirements (64 FR 58406). U.S. EPA has received from Texas a request for a waiver from the Agency's asbestos-in-school program. A waiver of these requirements will be granted if U.S. EPA determines, after notice and comment and opportunity for a public hearing, that Texas is implementing or intends to implement a program of asbestos inspection and management at least as stringent as U.S. EPA's program. This notice announces an opportunity for a public hearing on the Texas waiver request and solicits written comments on or before 28 December 1999. *For further information contact: Neil Pflum, Asbestos Coordinator; U.S. EPA Region VI; (214) 665-2295; e-mail: pflum.neil@epa.gov.*

USFWS Final Rule: Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant *Lesquerella Thamnophila* (Zapata Bladderpod) (64 FR 63745). The USFWS has determined

the plant *Lesquerella thamnophila* (Zapata bladderpod) to be an endangered species under the authority of the ESA. The Zapata bladderpod is currently known from four locations in Starr and Zapata Counties in southern Texas. The Zapata bladderpod is a pubescent (hairy), somewhat silvery-green herbaceous (herblike) perennial plant, with sprawling stems 43-85 centimeters (17-34 inches) long. It possesses narrow basal leaves with entire to wavy or slightly toothed margins. This final rule is effective 22 December 1999. *For further information contact: Field Supervisor; USFWS, Corpus Christi Ecological Services Field Office; (316) 994-9005; fax (361) 994-8262.*

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2001.)

STATE FINAL RULES

Industrial Solid and Municipal Hazardous Wastes (24 TXR 8562-4). Final rule of the TNRCC amends regulations under 30 TAC 335.112 and .152 regarding industrial solid waste and municipal hazardous waste. The rule adds references to the definition of "substantial business relationship" provided under a concurrent final rule (24 TXR 8555; 10/01/99) amending 30 TAC 37.11. The rule was effective 7 October 1999. *For further information contact: Linda Shirck; TNRCC, Office of Administrative Services; (512) 239-6260.*

Industrial Solid and Municipal Hazardous Wastes (24 TXR 9293-8). Final rule of the TNRCC amends regulations under 30 TAC 335.261 and adopts regulations under a new Section 30 TAC 335.262 regarding industrial solid waste and municipal hazardous waste. The rule corrects references to federal provisions to revise specified definitions. The rule also establishes requirements for managing paint and paint-related waste and provides an alternative set of management standards in lieu of other chapter sections. The rule was effective 24 October 1999. *For further information contact: Ray Austin; TNRCC; (512) 239-6814.*

Volatile Organic Compounds (VOCs)/Ground-Level Ozone (24 TXR 10093-5). Final rule of the TNRCC amends regulations under 30 TAC 115.127 regarding the control of air pollution from VOCs. The rule revises the SIP to control vent gas emissions in ozone nonattainment areas. The rule also extends the 30,000 parts per million concentration limit exemption for three pulp and paper mills and changes the term "undesignated head" to "division." The rule was effective 16 November 1999. *For further information contact: Ann Hammer; TNRCC, Office of Environmental Policy, Analysis, and Assessment (OEPA); (512) 239-6255.*

VOCs (24 TXR 10095-113, 10173). Final rule of the TNRCC amends regulations under 30 TAC 115.140 and .142 through .149 and adopts regulations under new Sections 30 TAC 115.160 through .167 and .169 regarding the control of air pollution from VOCs. The rule, which affects industrial waste water and batch processes, conforms to U.S. EPA revised ozone transport policy and allows the attainment date of the Beaumont/Port Arthur (BPA) ozone nonattainment area to be extended. The rule also incorporates corrections to industrial wastewater standards to ensure the implementation of RACT in the Houston/Galveston (HGA) ozone nonattainment area. In addition, the rule clarifies requirements and references for the Dallas/Fort Worth (D/FW), El Paso, and HGA ozone nonattainment areas. The rule was effective 18 November 1999. *For further information contact: Eddie Mack; TNRCC, Strategic Environmental Analysis and Assessment Division; (512) 239-1488.*

Nitrogen Compounds (24 TXR 10113-30, 10174-81). Final rule of the TNRCC amends regulations under 30 TAC 117.10 through .570 (nonconsecutive) regarding air pollution from nitrogen compounds. The rule conforms to U.S. EPA revised ozone transport policy, allows the attainment date of the BPA ozone nonattainment area to be extended, requires certain lean-burn stationary engines in the BPA area to meet new emission specifications, and sets forth other requirements to reduce nitrogen oxide emissions and ozone air pollution. The rule also eliminates the requirement to operate wood-fired boilers with flue gas sensor-based trim and adds an option to monitor exhaust flow instead of fuel flow. In addition, the rule clarifies several other requirements and references for major stationary sources in the BPA, D/FW, and HGA nonattainment areas. The rule was effective 21 November 1999. *For further information contact: Randy Hamilton; TNRCC; (512) 239-1512.*

Air Pollution Control/Carbon Monoxide (24 TXR 10130-2). Final rule of the TNRCC repeals regulations under 30 TAC 119.1 through .7 concerning control of air pollution from carbon monoxide. The rule eliminates outdated requirements regarding the incineration of vent gas streams from blast furnaces, iron cupolas, and catalyst regeneration units. The rule was effective 18 November 1999. *For further information contact: Beecher Cameron; TNRCC, Policy and Regulation Division; (512) 239-1495.*

Oversize and Overweight Vehicles and Loads (24 TXR 10142-3). Final rule of the Texas Department of Transportation (TDT) amends regulations under 43 TAC 28.13 to revise provisions governing the issuance of time

permits for oversize and overweight vehicles and loads. The rule was effective 21 November 1999. *For further information contact: Lawrance Smith; TDT, Motor Carrier Division; (512) 465-3570.*

STATE PROPOSED RULES

Inspection Fees (24 TXR 8540-1). Proposed rule of the Texas Department of Public Safety (TDPS) would amend regulations under 37 TAC 23.73 regarding motor vehicle inspection fees. The proposal would allow fees to be set by administrative rule, add a \$13 fee for inspection of emissions only, and delete a fee for parameter inspection. The proposal also would increase fees for safety inspection from \$8.50 to \$12.50, safety and emissions inspection from \$17.25 to \$25.50, and new car initial inspection from \$15.75 to \$21.75. *For further information contact: Mary Ann Courter; TDPS, Legal Services; (512) 424-2890. (Editor's Note: Some military vehicles, such as tactical vehicles, may be exempt.)*

Air Pollution Episodes (24 TXR 8913-6, 9095). Proposed rule of the TNRCC would amend regulations under 30 TAC 118.1 through .6 regarding the control of air pollution episodes to update statutory citations and references to the commission and to clarify language. The proposal will be submitted to U.S. EPA as a revision of the SIP. *For further information contact: Barry Irwin; TNRCC, OEPA; (512) 239-1461.*

Financial Assurance (24 TXR 9152-201, 9324-89). Proposed rule of the TNRCC would amend regulations under Chapter 30 TAC 37 to consolidate financial assurance provisions transferred from 30 TAC 305, 324, 330, 331, 334, 335, and 336. The proposal would add and clarify general financial assurance requirements and mechanisms for closure, post closure, and corrective action; liability; permitted compost facilities; Class A and B petroleum-substance contaminated soil storage, treatment, and reuse facilities; used oil recycling; scrap tire sites; the risk reduction program; public drinking water systems and utilities; hazardous and nonhazardous industrial solid waste facilities; underground injection control wells; municipal solid waste facilities; alternative methods of disposal of radioactive material; near-surface land disposal of radioactive waste; and medical waste transporters. *For further information contact: Michelle Lingo; TNRCC, OEPA; (512) 239-6757.*

Financial Assurance/Consolidated Permits (24 TXR 9201-7). Proposed rule of the TNRCC would amend regulations under 30 TAC 305.49, .50, .64, .69, and .154 regarding financial assurance for consolidated permits. The proposal would revise provisions pertaining to applications for injection well permits and hazardous solid waste permits, transfer of permits for hazardous waste, and hazardous waste permit modification at the request of a permittee so that provisions are consistent with commission rules. The proposal also would correct cross-references to requirements that would be incorporated into regulations under 30 TAC 37 by a concurrent proposed rule (24 TXR 9152; 10/22/99). In addition, the proposal would correct cross-references pertaining to liability, clarify the applicability of liability coverage, and clarify liability coverage requirements and format for hazardous waste injection wells. *For further information contact: Michelle Lingo; TNRCC, OEPA; (512) 239-6757.*

Financial Assurance/Used Oil Recycling (24 TXR 9207-10). Proposed rule of the TNRCC would amend regulations under 30 TAC 324.22 regarding financial assurance for used oil recycling. The proposal would revise provisions pertaining to soil remediation requirements for used oil handlers to be compatible with commission rules and to clarify applicability, accommodate a technical requirement transferred from 30 TAC 37.2011, and add a cross-reference to requirements that would be incorporated into regulations under 30 TAC 37 by a concurrent proposed rule (24 TXR 9152; 10/22/99). *For further information contact: Michelle Lingo; TNRCC, OEPA; (512) 239-6757.*

Financial Assurance/Municipal Solid Waste (24 TXR 9210-24). Proposed rule of the TNRCC would amend regulations under 30 TAC 330.3 through .1010 (nonconsecutive) and repeal regulations under 30 TAC 330.9, .285, and .286 regarding financial assurance for municipal solid waste. The proposal would revise provisions pertaining to applicability, classification of facilities, permit procedures, ground water monitoring and corrective action, closure and post-closure requirements and corrective action, landfill mining, and medical waste management to clarify and consolidate provisions, delete obsolete dates, add cross-references, and eliminate provisions that would be added to regulations under 30 TAC 37 by a concurrent proposed rule (24 TXR 9152; 10/22/99). *For further information contact: Michelle Lingo; TNRCC, OEPA; (512) 239-6757.*

Financial Assurance/Storage Tanks (24 TXR 9237-40). Proposed rule of the TNRCC would amend regulations under 30 TAC 334.484, .485, and .508 regarding financial assurance for underground and aboveground storage tanks (ASTs). The proposal would revise storage, treatment, and reuse procedures for petroleum-substance contaminated soil to eliminate redundant language and add and correct cross-references to requirements that would be incorporated into regulations under 30 TAC 37 by a concurrent proposed rule (24 TXR 9152; 10/22/99). *For further information contact: Michelle Lingo; TNRCC, OEPA; (512) 239-6757.*

Financial Assurance/Solid and Hazardous Waste (24 TXR 9240-6). Proposed rule of the TNRCC would amend regulations under 30 TAC 335.7, .112, .152, .167, and .179 and adopt regulations under a new Section 30 TAC 335.128 regarding financial assurance for industrial solid waste and municipal hazardous waste. The proposal would revise general requirements and provisions pertaining to interim and permitting standards for owners and operators of storage, processing, and disposal facilities. The proposal also would specify financial assurance amounts and requirements for closure, post-closure, corrective action, and liability for interim status Resource Conservation Recovery Act facilities. In addition, the proposal would eliminate the incorporation by reference of federal requirements that would be incorporated into regulations under 30 TAC 37 by a concurrent proposed rule (24 TXR 9152; 10/22/99). *For further information contact: Michelle Lingo; TNRCC, OEPA; (512) 239-6757.*

Boiler Safety (24 TXR 9449-51). Proposed rule of the Texas Department of Licensing and Regulation (TDLR) would amend regulations under 16 TAC 65.1, .80, .90, and .100 regarding boiler safety. The proposal would increase fees for certificates of operation and for inspection fees other than for heating boilers, eliminate the fee for obtaining a copy of boiler rules, clarify the authority to impose sanctions, eliminate provisions regarding the conduct of hearings on the suspension or revocation of an inspector's commission, and correct references. *For further information contact: George Ferrie; TDLR; (512) 463-7357.*

Hazardous Waste Lamps (24 TXR 9777-89). Proposed rule of the TNRCC would amend regulations under 30 TAC 335.1, .2, .41, .261, and .431 regarding industrial solid waste and municipal hazardous waste. The proposal would add hazardous waste lamps to the list of universal wastes regulated under RCRA to conform to federal standards under 40 CFR Part 273. The proposal also would revise references and make technical corrections. *For further information contact: Ray Henry Austin; TNRCC; (512) 239-6814.*

Impact Statements (24 TXR 9947-51). Proposed rule of the TNRCC would repeal and readopt regulations under 30 TAC 261 regarding environmental, social, and economic impact statements. The proposal would rename the chapter "Impact Statements," reorganize provisions, make editorial changes, and update references. Comments are due 13 December 1999. *For further information contact: Barry Irwin, TNRCC, Policy and Regulations Division (PRD); (512) 239-4900.*

STATE NOTICES

Applications and Public Notice (24 TXR 8634-5). Notice of the TNRCC announces corrections to proposed rules published in the Texas Register on 16 July 1999 that would amend regulations under 30 TAC 39, 50, and 55 regarding public notice, action on applications, and requests for reconsideration of public notice. The proposals would clarify, update, and consolidate agency procedural provisions pertaining to water, waste, and air. The proposals also would make certain processes consistent across agency programs. Portions of the proposals will be submitted to U.S. EPA as a revision of the SIP. Corrections are made to the introductory sentence of a previous correction (24 TXR 6572; 8/20/99) by changing the word "adopted" to "proposed" and by separating new and amended rules. *For further information contact: Ray Austin; TNRCC; (512) 239-6814.*

Voluntary Emission Reduction Permit Program (24 TXR 9092). Notice of the TNRCC announces corrections to a proposed rule (24 TXR 7148; 9/10/99) that would adopt regulations under new Sections 30 TAC 116.810 through .870 (nonconsecutive) concerning voluntary emission reduction permits (VERP). The proposal would outline eligibility, set forth procedures for VERP application, and describe project emission reduction credits. The proposal also would establish an application review schedule, provide general and special conditions, and describe modifications. In addition, the proposal would set forth public participation and notice and comment hearing procedures for initial issuance, outline procedures for notice of final action, implement fees, and describe requirements for renewal. The proposal will be submitted to U.S. EPA as a revision to the SIP. The notice makes editorial and reference corrections. *For further information contact: Beecher Cameron; TNRCC, PRD; (512) 239-1495.*

Texas Risk Reduction Program/Financial Assurance (24 TXR 9092-3). Notice of the TNRCC announces corrections to a final rule (24 TXR 7413; 9/17/99) that adopted regulations under new Sections 30 TAC 37.4001, .4011, and .4021 concerning financial assurance for the Texas Risk Reduction Program. The rule establishes a uniform base of risk-based, performance-oriented technical standards to guide response actions at affected properties regulated by the Office of Waste Management program and other applicable program areas. The rule also defines terms, clarifies applicability, and specifies financial assurance requirements and mechanisms. The notice revises references, deletes unnecessary language, and makes technical and editorial corrections. *For further information contact: Clark Talkington; TNRCC, Waste Policy and Regulation Division; (512) 239-6731.*

STATE GENERAL INFORMATION

New TMDL Handbook. A new easy-to-read guide designed to assist water managers through the process of developing TMDLs was recently published by the TNRCC. The handbook, *Developing Total Maximum Daily Load Projects in Texas – A Guide for Lead Organizations (G1250)*, presents a broad overview of the guiding principles behind TMDL development, including identifying water quality targets, assessing water quality conditions, determining the capacity of a waterbody to absorb pollutant loads, analyzing pollutant sources, and allocating pollutant loads. The handbook also presents information on how mathematical models can be used within a TMDL framework. The report can be downloaded from the Internet at <http://www.tnrcc.state.tx.us/water/quality/tmdl>.

(NOTE: Current TNRCC regulatory information, including proposals, adoptions, and a rules tracking log, is available on TNRCC's web site at <http://www.tnrcc.state.tx.us>.)

REGION VII STATE ACTIVITY

IOWA

State Legislative/Regulatory Activity

FEDERAL ACTIONS

U.S. EPA Final Rule: Approval and Promulgation of Air Quality Implementation Plans; Iowa Update to Materials Incorporated by Reference (64 FR 63693). U.S. EPA is updating the materials submitted by Iowa that are incorporated by reference into the SIP. The regulations affected by this update have been previously submitted by the state agency and approved by U.S. EPA. This action was effective 22 November 1999. *For further information contact: Edward West; U.S. EPA Region VII, Office of Air and Radiation; (913) 551-7330.*

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2000.)

STATE FINAL RULES

Methyl Tertiary-Butyl Ether (22 IAAB 686-7). Final rule of the Iowa Department of Natural Resources (IDNR), Environmental Protection Commission, amends regulations under 567 IAC 135 pertaining to technical standards and corrective action requirements for underground storage tanks. The rule establishes requirements for analyzing tertiary-butyl ether in soil and water samples at underground storage tank sites with petroleum contamination. The rule was effective 24 November 1999. *For further information contact: Jim Humeston; IDNR; (515) 281-5145.*

(NOTE: General information regarding the IDNR and its various programs, including a status report on proposed rules, draft rules, adopted rules awaiting publication, and recently adopted rules, is available on IDNR's web site at <http://www.state.ia.us/government/dnr/index.html>.)

KANSAS

Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2000.)

STATE PROPOSED RULES

Financial Assurance (18 KSR 1505-6). Proposed rule of the Kansas Department of Health and Environment (KDHE) would adopt regulations under new Sections KAR 28-29-17a through -2113 (nonconsecutive) regarding financial assurance for solid waste facilities. The proposal would outline allowable methods of providing closure and post-closure cost financial assurance for solid waste disposal areas and processing facilities. The proposal would also add provisions governing financial assurance for corrective action and raise the fees for solid waste landfills. *For further information contact: Christine Mennicke; KDHE, Bureau of Waste Management; (785) 296-0724.*

STATE GENERAL INFORMATION

Indoor Air Quality Workshop. An Indoor Air Quality Workshop is scheduled for **3-7 January 2000** in Rathbun Hall, Room 152, on the Kansas State University (KSU) campus in Manhattan, Kansas. The course is being offered for air quality professionals, students and faculty who want a better understanding of the science and engineering of indoor air quality. The anticipated audience is building industry professionals, air quality engineers, consultants, regulators, and those who work with special environments such as food processing, airplane cabins, swine production, etc. The presentations will be at the graduate and professional level. Additional information, including registration information and a complete agenda, are available online at <http://www.dce.ksu.edu/dce/conf/indoorair>. For further information contact: Larry Erickson; KSU; (785) 532-4313; e-mail: lerick@ksu.edu.

(NOTE: General information regarding the KDHE and its various programs, including access to rules and regulations, is available on KDHE's web site at <http://www.kdhe.state.ks.us>.)

MISSOURI

Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2000.)

STATE EMERGENCY RULES

Community and Nontransient Noncommunity Water Systems (24 MOR 2568-9). Emergency rule of the Missouri Department of Natural Resources (MDNR), Public Drinking Water Program (PDWP), amends regulations under 10 MCSR 60-3.030 to establish minimum technical, managerial, and financial capacity requirements for community and nontransient noncommunity water systems. The rule was effective 30 September 1999 and expires 27 March 2000. For further information contact: Jerry Lane; MDNR, PDWP; (531) 751-5331.

STATE FINAL RULES

Petroleum Storage and Dispensing/Aboveground (24 MOR 2505-8). Final rule of the Missouri Department of Agriculture, Weights and Measures Division (WMD), amends regulations under 2 MCSR 90-30.050 regarding the safety of aboveground petroleum storage tanks and dispensing systems. The rule adds requirements for construction, installation, and use of aboveground systems. The rule also establishes requirements for leak detection and pressure testing, recordkeeping, and the qualifications of persons who install and service aboveground systems. In addition, the rule updates incorporations by reference of the National Fire Protection Association manual. The rule was effective 30 November 1999. For further information contact: Roy Humphreys; MDA, WMD; (573) 751-4316. **(Region VII REC Comment: This rule addresses only those ASTs used for the sale (wholesale or retail) of petroleum products.)**

Construction permits (24 MOR 2513-6). Final rule of the MDNR, Air Conservation Commission (ACC), amends regulations under 10 MCSR 10-6.060 regarding the air quality construction permit review process. The rule establishes a fixed fee for portable plant relocations, creates a new permit-by-rule exemption to establish general construction permits for common permit situations, establishes a negligible emission level to exempt very small projects from permit review, clarifies when particular reviews require an analysis of air quality impacts, and changes the method of aggregating emission increases to align it with federal regulations and policy. The rule was effective 30 November 1999. For further information contact: Roger Randolph; MDNR, Air Pollution Control Program (APCP); (573) 751-4817.

Penalty Assessment (24 MOR 2516-20/2520-1). Final rule of the MDNR, ACC, repeals and readopts regulations under 10 MCSR 10-6.230 regarding air quality standards to establish department penalty assessment criteria that are consistent and reflect current state law. The rule sets forth penalty determination procedures that consider the potential for harm and the extent of deviation from state regulations; multiple violations; violations continuing for more than one day; any economic benefit of the violation to the violator; and adjustments based on new information, good faith efforts to comply, culpability, history, ability to pay, and other factors. The rule also specifies that penalty proceeds be used to benefit schools in the county where the violation occurred, establishes that the penalties do not satisfy any claim by the state for natural resource damage, sets forth general provisions, and defines terms. The rule was effective 30 November 1999. For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.

Penalty Assessment (24 MOR 2593-5). Final rule of the MDNR, Hazardous Waste Commission, repeals and readopts regulations under 10 MCSR 25-14.010 to establish penalty assessment criteria for hazardous waste management standards. The rule sets forth penalty determination procedures that consider the potential for harm and the extent of deviation from state regulations; multiple violations; violations continuing for more than one day; any economic benefit of the violation to the violator; and adjustments based on new information, good faith efforts to comply, culpability, history, ability to pay, and other factors. The rule also specifies that proceeds of penalties be used to benefit schools in the county where the violation occurred, establishes that the penalties do not satisfy any claim by the state for natural resource damage, sets forth general provisions, and defines terms. The rule was effective 30 November 1999. *For further information contact: MDNR, HWP; (573) 751-3176.*

Penalty Assessment (24 MOR 2595). Final rule of the MDNR repeals and readopts regulations under 10 MCSR 80-2.040 to establish penalty assessment criteria for violations of solid waste management standards. The rule sets forth penalty determination procedures that consider the potential for harm and the extent of deviation from state regulations; multiple violations; violations continuing for more than one day; any economic benefit of the violation to the violator; and adjustments based on new information, good faith efforts to comply, culpability, history, ability to pay, and other factors. The rule also specifies that penalty proceeds be used to benefit schools in the county where the violation occurred, establishes that the penalties do not satisfy any claim by the state for natural resource damage, sets forth general provisions, and defines terms. The rule was effective 30 November 1999. *For further information contact: MDNR, Solid Waste Management Program; (573) 751-5401.*

Motor Vehicle Emissions Inspection (24 MOR 2637-42). Final rule of the MDNR, ACC, amends regulations under 10 MCSR 10-5.380 regarding motor vehicle emissions inspection in the St. Louis metropolitan area. The rule defines the Clean Screen Program, specifies two-speed idle test standards, and sets the emissions inspection fee. The rule also makes editorial corrections. The rule is effective 30 December 1999. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817. (Region VII REC Comment: Military tactical vehicles and diesel vehicles are exempt.)*

Emission and Service Fees (24 MOR 2642). Final rule of the MDNR, ACC, amends regulations under 10 MCSR 10-6.110 to establish emission and service fees for air contaminant sources for calendar year 1999 and update forms. The rule is effective 30 December 1999. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.*

STATE PROPOSED RULES

Visible Air Contaminant Emissions (24 MOR 2588). Proposed rule of the MDNR, ACC, would repeal regulations under 10 MCSR 10-2.060 regarding the maximum allowable shade or opacity of visible air contaminant emissions and use of opacity monitoring devices on certain air contaminant sources in the **Kansas City** metropolitan area. The proposal will be submitted to U.S. EPA as a revision to the SIP. A hearing is scheduled for 9 December 1999 in Kansas City. Comments are due 16 December 1999. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.*

Visible Air Contaminant Emissions (24 MOR 2589). Proposed rule of the MDNR, ACC, would repeal regulations under 10 MCSR 10-5.090 regarding the maximum allowable shade or opacity of visible air contaminant emissions and use of opacity monitoring devices on certain air contaminant sources in the **St. Louis** metropolitan area. The proposal will be submitted to U.S. EPA for removal from the SIP. A hearing is scheduled for 9 December 1999 in Kansas City. Comments are due 16 December 1999. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.*

Federal Standards (24 MOR 2629-30). Proposed rule of the MDNR, ACC, would amend regulations under 10 MCSR 10-6.020 regarding air quality standards. The proposal would define "criteria pollutant" and "hourly de minimis level," update provisions governing determining creditability of emissions increases and decreases, and delete the definition for the St. Louis carbon monoxide nonattainment area. The proposal will be submitted to U.S. EPA as a revision to the SIP. A hearing is scheduled for 9 December 1999 in Kansas City. Comments are due 16 December 1999. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.*

Federal Standards (24 MOR 2630-2). Proposed rule of the MDNR, ACC, would amend regulations under 10 MCSR 10-6.065 regarding operating permits. The proposal would make editorial revisions and renumber provisions to comply with federal standards. The proposal will be submitted to U.S. EPA as a revision to the SIP. A hearing is scheduled for 9 December 1999 in Kansas City. Comments are due 16 December 1999. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.*

(NOTE: General information regarding the MDNR and its various programs is available on MDNR's web site at <http://www.dnr.state.mo.us/homednr.htm>.)

NEBRASKA

Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2000.)

STATE REGULATORY ACTIVITY (No significant activity for this period.)

(NOTE: General information regarding the Nebraska Department of Environmental Quality (NDEQ) and its various programs, including access to rules and regulations, is available on NDEQ's web site at <http://www.deq.state.ne.us>.)

The Central Region Review is prepared by Versar, Inc., in support of the CREO, to assist you in your compliance efforts. Questions regarding this document should be directed to Mr. Steve Scanlon, Army Region VII REC, at (816) 983-3445 or fax at (816) 426-7414. Legal questions should be directed to Mr. G.T. Zolyak, Regional Counsel, at (410) 436-1275 or fax at (410) 436-1670. Current and past issues of CREO regulatory updates are available on the Internet at <http://aec.army.mil> under "Regional Offices."



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